

Hearing Officer Transmittal Checklist

Hearing Date

02/03/2015

Agenda Item No.

8

Project Number: R2014-00634-(4)
Case(s): Conditional Use Permit Case No. 201400027
Environmental Assessment Case No. 201400053
Planner: Kristina Kulczycki

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☒ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Conditions CP and PKP 90324

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2014-00634-(4)

HEARING DATE

February 3, 2015

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201400027

Environmental Assessment No. 201400053

PROJECT SUMMARY

OWNER / APPLICANT

Whittier Evangelical United Methodist Church / Dwight M. Sullivan

MAP/EXHIBIT DATE

3/6/2014

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to continue the operation and maintenance of a child care center for a maximum of 60 children ages 0 to 6. The child care center use will occupy existing buildings that are shared with a church. The project includes a request for a 29.4% reduction in the amount of required parking. This use was previously authorized by Conditional Use Permit No. 90324 and Parking Permit No. 90324.

LOCATION

Main Site: 10262 Colima Road, Whittier

Parking Lot No. 2: 14918 Lambert Road, Whittier

ACCESS

Colima Road with access to the drop-off area located adjacent to the alley and access to Parking Lot No. 2 located off of the alley perpendicular to Lambert Road

ASSESSORS PARCEL NUMBER(S)

8226001002 and 8226003034

SITE AREA

Main Site: 0.93 Acres

Parking Lot No. 2: 0.27 Acres

GENERAL PLAN / LOCAL PLAN

General Plan

ZONED DISTRICT

Southeast Whittier

LAND USE DESIGNATION

1 – Low Density Residential

ZONE

R-A-6000 (Residential Agricultural – 6,000 Square Feet Minimum Required Lot Area) and R-1 (Single-Family Residence)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.1762 (Minor Parking Deviation)

CASE PLANNER:

Kristina Kulczycki

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RCUP 201400027

R2014-00634-(4)

Printed: May 14, 2014



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Feet

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the continued operation and maintenance of a child care center in the R-A-6000 (Residential Agricultural – 6,000 Square Feet Minimum Required Lot Area) zone pursuant to County Code section 22.20.440.

PROJECT DESCRIPTION

The applicant is requesting a CUP to continue operating the child care center on the subject property and the child care center will share the facilities with the existing church, but will operate at times when the church is not being used. The subject property includes a parking lot to the northeast of the parcel containing the church and child care center buildings. The request also includes a reduction to the required parking from 68 parking spaces to 48 parking spaces which is a reduction of 29.4 percent. No changes to the existing site are proposed as part of this project.

SITE PLAN DESCRIPTION

The subject property consists of two parcels located south of the intersection of Colima and Lambert Roads. One parcel, hereby referred to as the “main parcel,” contains the buildings used for the church and child care center, a drop-off area with five parallel parking spaces, and a parking lot with 15 angled parking spaces. The other parcel, hereby referred to as the “off-site parking lot,” is an existing paved parking lot containing 28 angled parking spaces.

EXISTING ZONING

The main parcel containing the child care center use is zoned R-A-6000 (Residential Agricultural – 6,000 Square Feet Minimum Required Lot Area) and the off-site parking lot is zoned R-1 (Single-Family Residence).

Surrounding properties are zoned as follows:

North: R-A-6000, C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion), and incorporated City of Whittier

South: R-1

East: R-1 and incorporated City of Whittier

West: R-A-6000

EXISTING LAND USES

The subject property is developed with parking spaces, outdoor play areas, and buildings containing a church sanctuary, an auditorium, classrooms, and offices.

Surrounding properties are developed as follows:

North: Retail stores, railroad tracks, a self-service storage facility, a parking lot, and single-family residences

South: Single-family residences

East: Railroad tracks, a self-service storage facility, and single-family residences

West: Single-family residences

PREVIOUS CASES/ZONING HISTORY

Ordinance No. 5317 was adopted by the Board of Supervisors on April 19, 1949 and established the A-1-7500 zone on the subject property.

Ordinance No. 5450 was adopted by the Board of Supervisors on December 13, 1949 and established the R-A-6000 zone.

Ordinance No. 6025 was approved by the Board of Supervisors for the R-1 zone on the parking lot parcel and became effective August 29, 1952.

Zone Exception Case No. 1876 was approved by the Regional Planning Commission on February 8, 1955 and approved the establishment of a church with a condition requiring that "the property across the street from the subject property be acquired by the applicant and a zone exception be granted for parking purposes and such property be used for parking purposes for the church (Reference: Zone Exception Case No. 1926)."

Zone Exception Case No. 1926 was approved by the Regional Planning Commission on March 8, 1955 to be used for off-street parking (98 parking spaces) for the church across the street. However, this permit was never used due to the relocation of Lambert Road.

Zone Exception Case No. 8427 was approved by the Regional Planning Commission on April 18, 1967 to construct a 31-space parking lot and recreation area on 14918-14924 Lambert Road (current location of "off-site parking lot" for the project).

Zone Exception Case No. 8711 was approved by the Regional Planning Commission on February 13, 1968 for an elementary school and was appealed to the Board of Supervisors (Board) shortly thereafter. The Board approved the project on April 29, 1969 with an amended condition allowing a maximum of 150 students rather than 85. This permit expired on February 13, 1973.

Conditional Use Permit No. 255 and Variance No. 167 were approved by the Regional Planning Commission on June 27, 1973 to allow the church and school with less than the required parking. This permit expired on June 27, 1978.

Conditional Use Permit No. 1364 was approved by the Regional Planning Commission on December 27, 1978 to establish a child care center for a maximum of 60 children. Condition No. 16 indicated that this permit superseded all previous zone exception cases on this property. Condition No. 11 specified that "this grant as it pertains to the day nursery only will expire on November 22, 1981."

Conditional Use Permit No. 90324 and Parking Permit No. 90324 were approved by the Hearing Officer on December 13, 1990 for the continued operation of the church and for a child care center with 81 children at the preschool and kindergarten level. The parking permit allowed for the shared use of the church parking lots by the child care center when the church was not in operation. Only the child care center with kindergarten-level children expired on December 4, 2000. The church does not have an expiration date.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act ("CEQA") and the County environmental guidelines. This is an existing developed site and there will not be any expansion of use beyond that which was previously approved. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Low Density Residential land use category of the General Plan. This designation is intended for detached single-family housing units; however, it is not the intent of the General Plan policy to preclude further development or expansion of such uses as schools, churches, local parks and other community-serving public facilities. The church and child care center provide services to the local community and are therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and preserve sound existing development (Policy No.20, Page I-21).*

The child care center was established over 30 years ago and the church buildings were constructed almost 60 years ago. No changes to the existing site or operations are proposed as part of this project. The continued operation of the child care center will help to ensure the continued viability of the site and will continue to be a compatible use with the existing church.

- *Promote neighborhood commercial facilities which provide convenience goods and services and complement community character thorough appropriate scale, design, and locational controls (Policy No. 9, Page III-12).*

Colima Road and Lambert Road are existing Secondary Highways and are proposed as Class 2 Bike Paths. Therefore, the church and child care center are conveniently located for the residents of the neighborhood and provide services to the surrounding community.

Zoning Ordinance and Development Standards Compliance

Pursuant to section 22.20.440 of the County Code, child care centers are permitted in the R-A zone with an approved Conditional Use Permit. Pursuant to section 22.20.450, establishments in the R-A zone are subject to all development standards applying to the R-1 zone. Pursuant to section 22.20.110, the maximum allowed height for buildings or structures in the R-1 zone is 35 feet. Pursuant to section 22.20.120, the front yard setback for R-1 zoned properties is 20 feet, the side yard setback is 5 feet, and the rear yard setback is 15 feet. All buildings and structures on the site were previously authorized and no changes are proposed to the existing buildings or structures as part of this project.

Pursuant to section 22.52.1095, every church or other similar place of worship used in whole or in part for the gathering together of persons for worship, deliberation, or meditation shall provide, within 500 feet thereof, one parking space for each five persons based on the occupant load of the largest assembly area. The occupant load for the sanctuary is 298; therefore, 60 parking spaces are required for the church use. Pursuant to section 22.52.1105, child care centers shall have one parking space for each staff member, one parking space for any motor vehicle used directly in conducting the use, and one parking space for each 20 children for whom a license has been issued by the State of California. There are currently five staff members and no vehicles related to the child care center use. The applicant is requesting to have a maximum of 60 children at the child care center. Therefore, eight parking spaces are required for the child care center. A total of 68 parking spaces are required for the church and child care center uses on the subject property. The site currently provides a total of 48 parking spaces including the 15 parking spaces in the lot adjacent to the sanctuary, 28 spaces in the off-site lot, and five parallel spaces adjacent to the alley. The applicant is requesting a 29.4 percent reduction to the amount of required parking. Pursuant to section 22.56.1762, the applicant may request a reduction of less than 30 percent in the number of vehicle parking spaces as part of the conditional use permit request.

Site Visit

Staff conducted a site visit on July 24, 2014, and found that the plans are not consistent with the site; the angled parking adjacent to the main church building is facing in the opposite direction. The applicant indicated that the parking lot will be restriped to the satisfaction of the Department of Public Works. Staff observed parents parking in the five "drop-off and pick-up" parking spaces adjacent to the alley in order to pick up their children at the end of the day. Staff did not observe any queue or overflow of cars blocking the alley.

Burden of Proof

The applicant is required to substantiate all facts identified by section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The existing child care center has served the surrounding residential community for over 30 years. Colima Road and Lambert Road are main thoroughfares through the unincorporated area of South Whittier-Sunshine Acres and create a space for small community-serving uses within the neighborhood. The shared use of the site between the church and the child care center will help to ensure the continued viability of the site.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

A comment letter was received from the Department of Public Works dated November 24, 2014 that cleared the project for public hearing.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00634-(4), Conditional Use Permit No. 201400027, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400027 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Kristina Kulczycki, Regional Planning Assistant II, Zoning Permits East Section

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Correspondence

Site Photographs

Site Plan, Land Use Map

MM:KK

1/5/15

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00634-(4)
CONDITIONAL USE PERMIT NO. 201400027**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400027 ("CUP") on February 3, 2015.
2. The permittee, Dwight M. Sullivan ("permittee"), requests the CUP to authorize the continued operation of a child care center for up to 60 children ("Project") on a property located at 10262 Colima Road in the unincorporated community of South Whittier-Sunshine Acres ("Project Site") in the R-A-6000 (Residential Agricultural-6,000 Square Feet Minimum Required Lot Area) zone pursuant to Los Angeles County Code ("County Code") section 22.20.440. The Project also includes a request for a 29.4 percent reduction in the amount of required parking from 68 to 48 parking spaces and the Project Site also includes an off-site parking lot located at 14918 Lambert Road in the R-1 (Single-Family Residence) zone.
3. The Project Site is 1.8 gross acres (1.2 net acres) in size and consists of two adjacent parcels separated by the intersection of two alleys. The main parcel is flat and rectangular in shape and is developed with the buildings used for the church and child care center, a drop-off area with five parallel parking spaces, and a parking lot with 15 angled parking spaces.

The other parcel is square in shape and is located northeast of the main parcel. This parcel is developed with an off-site parking lot containing 28 angled parking spaces.

4. The Project Site is located in the Southeast Whittier Zoned District and is currently zoned R-A-6000 and R-1.
5. The Project Site is located within the Low Density Residential land use category of the General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-A-6000, C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion), and incorporated City of Whittier
 - South: R-1
 - East: R-1 and incorporated City of Whittier
 - West: R-A-6000

7. Surrounding land uses within a 500-foot radius include:

- North: Retail stores, railroad tracks, a self-service storage facility, a parking lot, and single-family residences
- South: Single-family residences

East: Railroad tracks, a self-service storage facility, and single-family residences
West: Single-family residences

8. The property was zoned R-A-6000 in December of 1949 and the adjacent off-site parking lot was rezoned to R-1 in August of 1952. Zone Exception Case No. 1876 approved the development of the site as a church in 1955 with a condition stating that the off-site lot, designed for 98 parking spaces, referenced in Zone Exception Case No. 1926 must be acquired by the applicant and that this associated zone exception case be granted for parking purposes. Zone Exception Case No. 1926 was granted; however, Lambert Road was relocated and this other lot was never developed for parking for the church.

To resolve the parking deficiency issue, Zone Exception Case No. 8427 was granted in 1967 for a different off-site parking lot, the currently-used off-site parking lot, containing 31 parking spaces. An elementary school was approved by Zone Exception Case No. 8711 in 1968 and shared the facilities with the church. In June of 1973, Conditional Use Permit No. 255 and Variance No. 167 replaced the previous zone exception case and approved the continued use of the property as a school and church with less than the required parking. Conditional Use Permit No. 1364 was approved in 1978 and added the child care center use to the property.

Conditional Use Permit No. 90324 and Parking Permit No. 90324 were approved in 1990 for the continued operation of the church and child care center and for the shared use of the church parking lots with the child care center when the church is not in operation. This approval contained a condition identifying an expiration date of December 4, 2000 for the child care center, but indicated that there shall be no termination date for the church operation.

9. The site plan for the Project depicts two separate parcels; one parcel to the northeast contains the off-site parking lot and the other parcel contains the main church building, offices, an auditorium, and classrooms. On the parcel containing the church buildings, there are five parking spaces adjacent to the alley in addition to a parking lot north of the church sanctuary. The main entrance to the child care center is accessible from the alley on the eastern side of the property and is located within the breezeway area between the auditorium building to the north and the classroom building to the south. The applicant has indicated that the classrooms, auditorium, and outside play areas will be used by the child care center.
10. The 15-space parking lot is accessible via Colima Road to the west. Primary access to the child care center is accessible from the alley that intersects Lambert Road and is east of the Project Site. The five parking spaces adjacent to the alley are also adjacent to the main entrance of the child care center. Access to the off-site parking lot is also taken from the alley that intersects Lambert Road.
11. The Project will provide a total of 48 parking spaces; 28 are located in the off-site lot, 15 are located in the parking lot adjacent to the church sanctuary, and five spaces are provided adjacent to the alley.

12. The County Department of Public Works ("Public Works") has cleared this project for hearing with recommended conditions of approval.
13. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the continued operation of a child care center on a church property with negligible or no expansion of use beyond that which was previously existing.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. No correspondence was received from the public regarding the Project.
16. *To be inserted after the public hearing to reflect hearing proceedings.*
17. The Hearing Officer finds that Project is consistent with the goals and policies of the General Plan. The Low Density Residential land use designation is intended for detached single-family housing units; however, it is not the intent of the General Plan policy to preclude further development or expansion of such uses as schools, churches, local parks, and other community-serving public facilities. The church and child care center provide services to the local community and are therefore consistent with the permitted uses of the underlying land use category.
18. The Hearing Officer finds that the Project is consistent with the R-A-6000 zoning classification because child care centers are permitted in this zone provided a conditional use permit has first been authorized.
19. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The child care center provides a service to the surrounding residential community and the Project Site has been authorized for a child care center for over 30 years without issue. Shared use of the church facilities allows the child care center to occupy the site when the church is not in operation.
20. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as are required in order to integrate the Project into the surrounding area. This site was authorized for the development of a church in 1955. The buildings and structures were in compliance with the development

standards at the time of construction. No alterations or additional development is proposed as part of this project.

21. The Hearing Officer finds that the Project Site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. Colima Road and Lambert Road are existing Secondary Highways and are proposed as Class 2 Bike Paths. There are also intersecting alleys adjacent to the Project Site that provide additional assistance with circulation.
22. The Hearing Officer finds that the Project Site is in compliance with all applicable provisions of Title 22 of the County Code. With an approved conditional use permit, properties zoned R-A-6000 may be used for child care centers. The existing buildings were developed in compliance with the development standards required at the time of construction. County Code section 22.56.1762 allows for a reduction of less than 30 percent of the required parking as part of the conditional use permit request. The applicant is requesting a 29.7 percent reduction in parking from 74 parking spaces to 52 parking spaces. Since the church and the child care center operate at different times and only 14 parking spaces are required for the child care center use, the 22 parking space in the lot adjacent to the church sanctuary and the five parking spaces adjacent to the alley will provide sufficient parking for the child care center use.
23. The Hearing Officer finds that the Project is so arranged as to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice. This is an existing, developed site. Traffic flow was previously analyzed when the parking lots were developed. The Department of Public Works has cleared the project for hearing based on the previous authorization for this use and the existing development of the site.
24. The Hearing Officer finds that the Project Site is suitable from the standpoint of functional developmental design. All buildings and structures were previously constructed. No additions or remodels are proposed as part of this project. The church and child care center will share the use of the existing facilities. Both of these uses have been operating at the Project Site for over 30 years.
25. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to fifteen (15) years.
26. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the South Whittier Library. On December 16, 2014, a total of 140 Notices of Public Hearing were

mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as six notices to those on the courtesy mailing list for the Southeast Whittier Zoned District and to any additional interested parties.

27. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

Regarding the Conditional Use Permit:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Regarding the Minor Parking Deviation:

- E. The use, development of land and/or application of development standards is in compliance with all applicable provisions of this Title 22.
- F. The use, development of land, and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.

- G. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201400027, subject to the attached conditions.

MM:KK
1/5/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00634-(4)
CONDITIONAL USE PERMIT NO. 201400027**

PROJECT DESCRIPTION

The project is for a Conditional Use Permit ("CUP") to authorize the continued operation of a child care center subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on February 3, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to

determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **April 6, 2015**.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

18. This grant shall authorize the continued operation of the child care center with a maximum of 60 children.
19. The project site shall include at least 48 parking spaces. If the uses on the subject project site change their mode or character of operation so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.

If the uses on the subject project site change their mode or character of operation so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

20. The permittee shall maintain a designated drop-off and pick-up area on the subject property.
21. Outdoor amplified music and outdoor public address systems are prohibited.
22. As agreed to by the permittee, the hours of operation for the child care center shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday.
23. The permittee shall maintain a valid license for a child care center with the state of California and shall present it to enforcement upon request.
24. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated November 24, 2014.

Attachments:

Public Works Department Letter dated November 24, 2014



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The Conditional Use Permit is to continue to offer a daycare center on church property. The existing

use is a daycare center which has functioned on the same site since 1990 (24 years) because the

daycare center has been offering services for 24 years, surrounding neighbors moved in after the center

was already there. There is no evidence that the daycare center adversely affects the health, peace,

comfort or welfare, but instead, offers a service to residents with children. Being in close proximity

to existing childcare is a benefit to families.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The site is zoned R-A-6000 (Residential Agriculture, 6000 sq. ft. lots within the Whittier District.

residential land use category of la county general plan. churches and child daycare centers are approved

uses in this category with a conditional use permit. the buildings have been in existence since 1967

and there is no new development planned. this request is to renew an existing expired conditional

use permit which was issued in december 1990. the site has been reviewed by the ca licensing

dept and found to be in compliance with title 22. the state has certified the facility for 90 children

C. That the proposed site is adequately served

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the site has access by both colima road and lambert road and a rear alley. all required utilities and

services are existing and have been serving the facility and program needs for the last 24 years.

the project has been on the site serving 81 children for the past 24 years. there has been no issues

with circulation because the church facility was built to accommodate larger crowds and the daycare

utilizes the church parkings lots during church non-use hours. all government services have been

providing for the program for the past 24 years. there is no new use being proposed.



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO
P O BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE

LD-2

November 24, 2014

TO: Maria Masis
Zoning Permits East Area
Department of Regional Planning

Attention Kristina Kulczycki

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201400027

PROJECT NO. R2014-00634

10262 COLIMA ROAD

ASSESSOR'S MAP BOOK NO. 8226, PAGE 1, PARCEL NO. 2

ASSESSOR'S MAP BOOK NO. 8226, PAGE 3, PARCEL NO. 34-PARKING LOT

UNINCORPORATED COUNTY AREA OF WHITTIER

☒ Public Works recommends approval of this CUP.

☐ Public Works does NOT recommend approval of this CUP.

The project is for the renewal of a child-care center CUP that was previously authorized through the approval of CUP No. 90324. The applicant intends to continue operation with a maximum occupancy of 72 children ages 0 to 6. Additionally, the applicant is requesting a 31.1 percent parking reduction from 74 spaces to 51 spaces. No additional changes to the existing site are being proposed as part of this project.

Upon approval of the CUP, we recommend the following conditions:

General

1. Comply with all previous Public Works conditions of approval relating to CUP No. 90364-(1), which is attached for reference.

Maria Masis
November 24, 2014
Page 2

Road

1. The driveway off Colima Road shall be restricted to ingress movements only.
2. The southerly parking lot access point off of the alley shall be restricted to egress movements only. On-site pavement markings and appropriate on-site signage (Do Not Enter signs) shall be installed to the satisfaction of Public Works.
3. All parking stalls shall be installed as depicted on the site plan. This will involve reorienting the parking stalls to establish a one-way circulation plan within both parking lots.

For questions regarding the road conditions or if you have any additional questions, please contact Juan Sarda of Public Works' Land Development Division at (626) 458-4921 or jsarda@dpw.lacounty.gov.

JS:tb

\\sps01\public\parks\landdev\2014\2014-0072\2 - madsen\20140202\14-0022\map\2014-02\14-0022-11\p2014-0022-11\14-0022-11.pdf



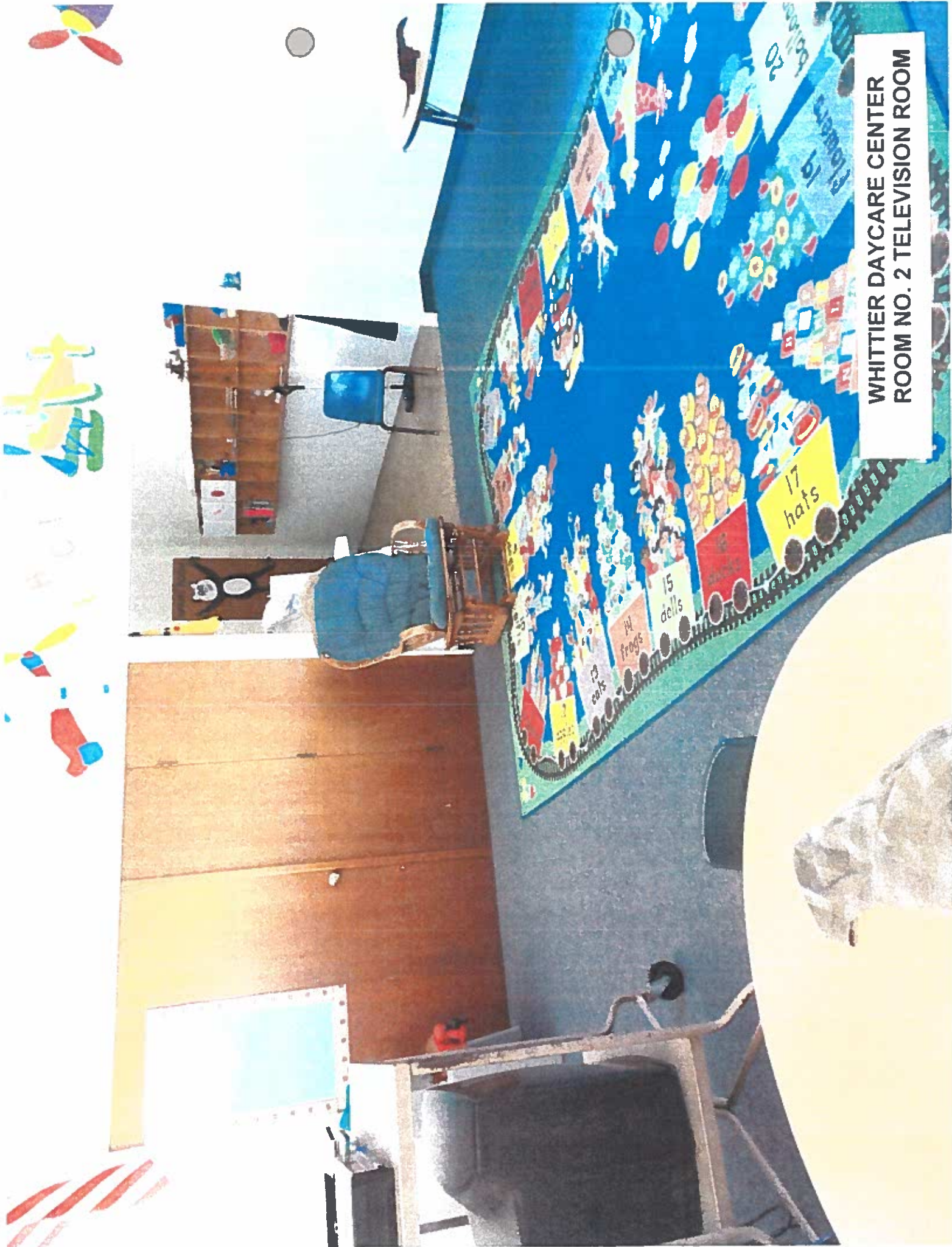








WHITTIER DAYCARE CENTER
ROOM NO. 2 TELEVISION ROOM





WHITTIER DAYCARE CENTER
ROOM NO. 3 PRESCHOOL ROOM

WHITTIER DAYCARE CENTER
ROOM NO. 4 TODDLER ROOM





WHITTIER DAYCARE CENTER
ROOM NO. 5 INFANT ROOM

WHITTIER DAYCARE CENTER
ROOM NO. 6 PRESCHOOL ROOM



**WHITTIER DAYCARE CENTER
ROOM NO. 7 TODDLER ROOM**



PLAY AREA NO. 1
Located in Center of Complex
North View





PLAY AREA NO. 2
Located off of Colima Road
North View



PLAY AREA NO. 3
Located South End of Property
Adjacent to Church Parsonage

EAST SIDE OF PROPERTY
Back side of buildings
Adjacent to Alley Way



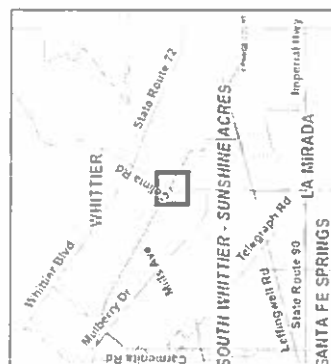
LAND USE

LAND USE 500 FOOT RADIUS MAP Proj. R2014-00634 (4) RCUP 2014-00027

Legend

- SINGLE-FAMILY RESIDENCE
- ② MULTI-FAMILY RESIDENCE
- SINGLE-FAMILY RESIDENCE
- TWO-FAMILY RESIDENCE
- INSTITUTION (NON-PROFIT)
- COMMERCIAL
- LIGHT INDUSTRY
- PUBLIC UTILITY

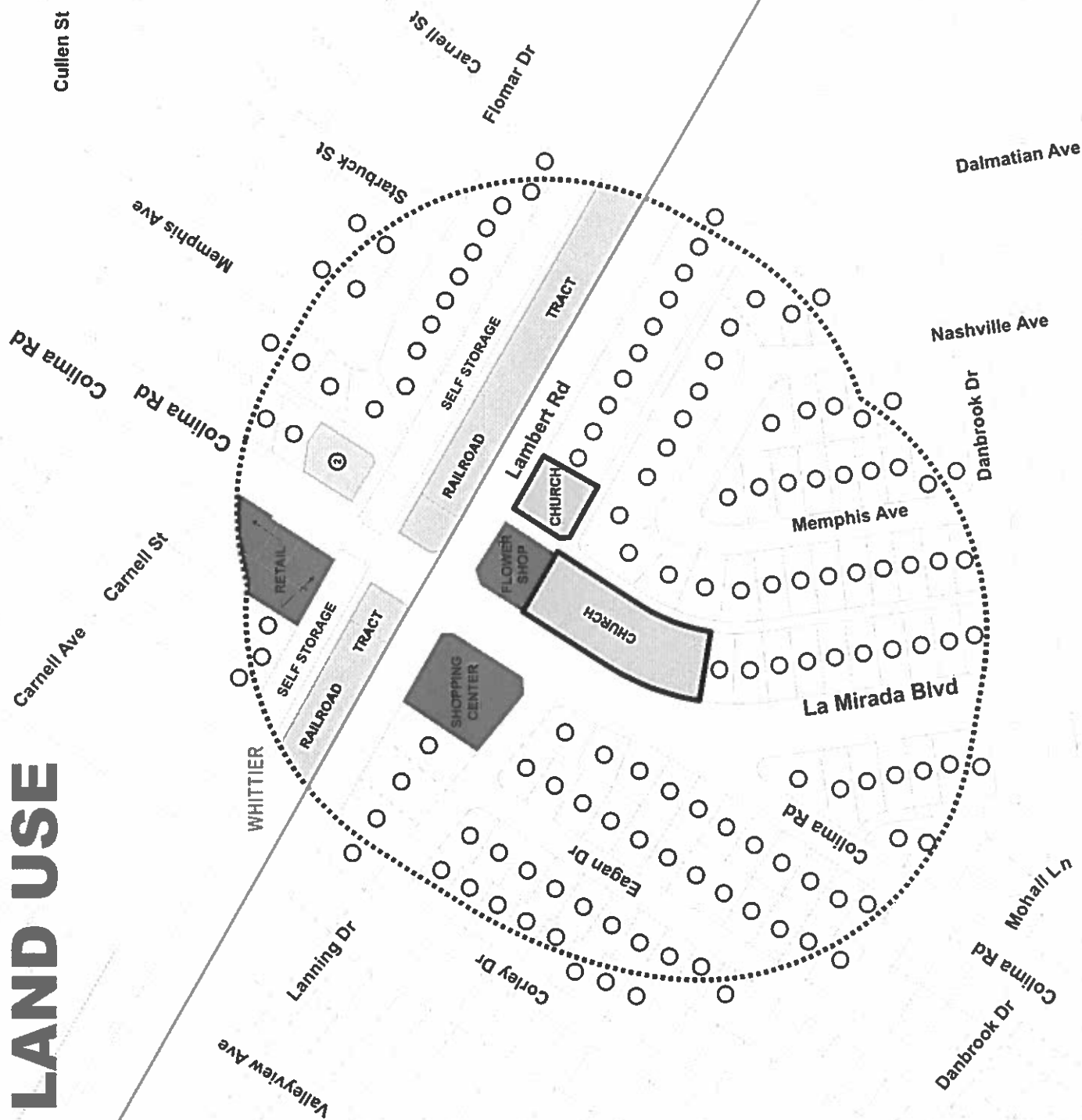
VICINITY MAP



0 40 80 160 240 320 Feet



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012



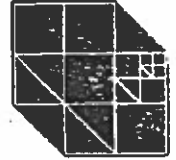
Los Angeles County
DEPARTMENT OF
REGIONAL PLANNING
320 West Temple Street
Los Angeles
California 90012
974-6411
James E. Hart, AICP
Planning Director

RE: **CONDITIONAL USE PERMIT CASE NO. 90324-(1)**
Church, childcare and kindergarten
10262 So. Colima Road, Whittier.

Mailing Date: December 17, 1990

TO: **Yolanda Gomez**
c/o Kids and Blocks
5737 El Rancho Drive
Whittier, CA 90606

**CERTIFIED-RECEIPT
REQUESTED**



PLEASE NOTE: This document contains the hearing officer's findings, order and conditions relating to **APPROVAL** of the above referenced case.

CAREFULLY REVIEW EACH CONDITION.

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective.
USE THE ATTACHED AFFIDAVIT FOR THIS PURPOSE.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the hearing officer's decision to the Regional Planning Commission at the office of the Commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the Commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The hearing officer's decision may also be called up for review by the Regional Planning Commission during the appeal period. This grant will not become effective until and unless this period has passed without an appeal or call for review.

For further information on appeal procedures, compliance with conditions or any other matter pertaining to this grant, please contact the Variances and Permits Section at (213) 974-6446.

HEARING OFFICER'S FINDINGS AND ORDER:

FACTUAL SUMMARY:

The subject property is an irregular shaped parcel, one half acre in size, located at 10262 South Colima Road, Whittier. The site is improved with a church complex and parking lots.

The request is for a daycare center for a maximum of 81 children, ages 2 to 6, in the preschool and kindergarten levels, Monday through Friday, within existing classrooms of the church complex. An open central patio area and a fenced lawn area facing Colima Road would be used as play yards. A parking permit is also requested to allow shared use of the church parking lots by the daycare center when the church is not in operation.

CONDITIONAL USE PERMIT CASE NO. 90324-(1)

The site is within the R-A-6000 zone (Residential Agriculture, 6000 square foot lots) of the Southeast Whittier Zoned District. A conditional use permit is required to establish a child daycare center within the zone.

The church and a previous child daycare center were established under Zone Exceptions and a conditional use permit of which the latest was Conditional Use Permit 1364 that expired November 22, 1981 for the daycare center only.

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental or service factor and, as a result, will not have a significant effect on the physical environment.

A public hearing was held on December 4, 1990, in which the applicant and a representative of the church testified in favor of the request. There was no opposition testimony.

FINDINGS:

With respect to Conditional Use Permit 90324-(1)

- A. The requested use is consistent with the adopted general plan. The site is within the Low Density Residential Land Use Category of the Los Angeles County General Plan. Churches and child daycare centers are compatible with this category in that they are neighborhood serving uses.
- B. With the attached restrictions and conditions, the requested use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The site is bounded on the east and south by single family residences, and on the west and north by commercial uses and single family residences.

Both the church and a previous nursery school have operated for many years at the site with no apparent problems or complaints.

CONDITIONAL USE PERMIT CASE NO. 90324-(1)

- C. The site is adequate in size and shape to accommodate the development features prescribed in the Zoning Ordinance and otherwise required to integrate the use requested with the uses in the surrounding area.

The site plan, Exhibit "A" shows a church complex consisting of a sanctuary and classroom, an auditorium and chapel, an open patio/play area, 6 classrooms, and 3 parking areas totalling 48 spaces. A second play yard is located within the fenced lawn area along the Colima Road frontage. A dropoff/pickup area will be located along a rear alley entrance area. The proposed daycare center has been inspected and received a license to operate by the State of California contingent upon receiving a conditional use permit.

- D. The site has adequate traffic access and is adequately served by other public or private facilities which it requires.

The site takes access to both Colima and Lambert Roads and a rear alley. All required utilities and services are existing and adequate to serve the requested use.

With respect to Parking Permit 90324-(1)

- E. There will be no conflict arising from special parking arrangements allowing shared facilities because the daycare center will operate Monday through Friday when the church is not in operation.
- F. The requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.

CONDITIONAL USE PERMIT CASE NO. 90324-(1)

And, therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use and Parking Permit as set forth in Section 22.56.090 and 22.56.1020 of Title 22 of the Los Angeles County Code, the Zoning Ordinance.

HEARING OFFICER'S ACTION:

1. I approve the negative declaration for the project, certify that I have reviewed and considered the environmental information contained in the initial study for the proposed project, and determine that the proposed project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use and Parking Permit Case No. 90324-(1) are GRANTED with the attached conditions.

BY: David Owen DATE: 12-13-90
David Owen
HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Enclosure: Affidavit

cc: Each Commissioner; Zoning Enforcement; Building and Safety;
Subdivision Road Unit;

JS/rpt
t/1
12/13/90

CONDITIONAL USE AND PARKING PERMIT CASE
NO. 90324-(1)

CONDITIONS
PAGE 1

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65907. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. This grant for the child daycare center and kindergarten will terminate December 4, 2000.

Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. There shall be no termination date for the church operation.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

CONDITIONAL USE AND PARKING PERMIT CASE
NO. 90324-(1)

CONDITIONS
PAGE 2

7. This grant allows the establishment and operation of a child day care center and kindergarten facility and continuation of a place of religious worship (church) subject to the following restrictions as to use:
 - a. The maximum number of children enrolled in the childcare center and kindergarten shall be 81.
 - b. The hours of operation of the center and kindergarten shall be between 6:00 a.m. and 6:30 p.m.
 - c. The center and kindergarten shall be licensed at all times by the State of California.
8. The property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
9. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
10. The subject facility shall be maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.

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